



# England & Lyle

Chartered Town Planners

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**Broughton Manor  
(Phase 2), Malton**

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**PLANNING  
STATEMENT**

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## PLANNING STATEMENT

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### APPLICANT:

Taylor Wimpey (North Yorkshire) Ltd

### AGENTS:

England & Lyle Ltd

REVISION RECORD					
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## 1. INTRODUCTION

1.1 This statement has been prepared to accompany a detailed planning application for the erection of 85 No dwellings with associated garaging, access, landscaping on land at Outgang Lane, Malton. The proposals will act as a phase 2 to the recently approved Broughton Manor development.

1.2 This Planning Statement addresses key planning policy issues arising from the development proposals. It forms part of a suite of supporting information and reports submitted as part of the planning application including:


- Full plans and elevations;
- Design & Access Statement;
- Statement of Community Involvement;
- Phase I Ecology Survey;
- Flood Risk Assessment & Drainage Strategy;
- Noise Statement;
- Phase I Geoenvironmental Appraisal;
- Archaeology Statement;
- Transport Assessment; and
- Travel Plan.

1.3 This Statement is structured as follows:

**Section 2** describes the site itself

**Section 3** outlines the development proposals

**Section 4** sets out the planning policy context relevant to the determination of the development proposals



**Section 5** assesses the proposed development in the context of the adopted Development Plan for the area, as well as other material considerations.

**Section 6** draws conclusions on the overall findings of the statement.

## 2. THE SITE

### Site Location

- 2.1 The site extends to around 2.32ha and is located on the northern edge of Malton. The town centre and associated shops, services and public transport provision is approximately 600m to the south of the application site and can be easily access on foot via Broughton Road and Newbiggin.



### Site Description

- 2.2 The application site is bound on three sides by the recently approved Taylor Wimpey Broughton Manor development and the proposals are in effectively a second phase of this development. To the east of the site is Outgang Lane and a number of properties and farm buildings.



*Application Site*

2.3 The site has most recently been in use as allotments but these are currently in the process of being relocated to a new site on Crabtree Lane with the application site being vacated entirely by the end of 2013. Further details on the replacement allotments are provided in a subsequent section of this Statement.

2.4 The existing allotment site is accessed via a track from Outgang Lane which runs down the middle of the site. The topography of the site rises from Outgang Lane up towards the centre of the site. Within the site are a number of sheds, fences and other structures associated with the previous use as allotments.

#### **Planning History**

2.5 The application site itself has no relevant formal planning history. However, it abuts the Taylor Wimpey Broughton Manor site which was granted outline planning approval for residential development under planning application 10/00999/MOUT in 2011. Reserved matters approval for the erection of 263 dwellings was subsequently granted under planning application 11/01182/EREM in 2011. Works on the Broughton Manor development will shortly be commencing.

### 3. THE PROPOSED DEVELOPMENT

- 3.1 Detailed planning permission is sought for residential development comprising 85No. dwellings with associated garaging, access and landscaping. Access to the proposed development will be taken via the existing approved Broughton Manor development.



*Proposed Development in Context*

- 3.2 The proposed development will deliver 2, 3 & 4 bedroom properties across eight different terraced, semi-detached and detached, 2 to 3 storey house types. The proposed accommodation can be broken down as follows:-

HOUSE TYPE	Beds	No
CANFORD	2	19
GOSFORD	3	23
ASHTON	3	14
BRADENHAM	4	10
MIDFORD	4	3
OAKHAM	4	8
DOWNHAM	4	5
LANGDALE	4	3



- 3.3 The accompanying Design & Access Statement prepared by PRA Architects demonstrates how the layout and design of the proposals have evolved having regard to the surrounding built and natural environment, the constraints and opportunities of the site and the design and access related policy requirements of the Development Plan.





#### 4. PLANNING POLICY CONTEXT

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

*'If regard is to be had to the development plan for the purpose of a determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*

4.2 This section sets out what the Development Plan consists of in this instance then goes on to set out the key material considerations that are applicable to the determination of the development proposals.

##### **Development Plan**

4.3 The Development Plan for the area within which the application site is located, is made up of the following:-

- Ryedale Plan: Local Plan Strategy (Adopted September 2013)
- Ryedale Local Plan 'saved policies' (Adopted March 2002)
- Ryedale Local Plan Selective Alteration (2004)

4.4 The application site is outside the limits to development of Malton on the Local Plan Proposals Map. Notwithstanding this, the site is surrounded by the recently approved Broughton Manor development and by virtue of this the adopted development limits are out of date and no longer relevant. The application site was allocated as allotments though Policy L8 of the Local Plan and it still shown as such on the proposals map. However, this policy has now been superseded by updated policies in the recently adopted Local Plan Strategy and is therefore no longer relevant.

##### Ryedale Plan: Local Plan Strategy (adopted September 2013)

4.5 The Ryedale Plan: Local Plan Strategy has recently been found sound following its submission to the Secretary of State in May 2012. The Inspector has concluded that the LPS is sound, subject to the inclusion of a schedule of main modifications which is appended to his report. On this basis, the Inspector states that the LPS "*provides an appropriate basis for*

*the planning of the District to 2027*". The Council formally adopted the Local Plan Strategy on 5<sup>th</sup> September 2013.

4.6 The policies relevant to the development proposals are:

- SP1 General Location of Development and Settlement Hierarchy;
- SP3 Affordable Housing
- SP4 Type and mix of new housing
- SP10 Physical Infrastructure
- SP11 Community Facilities and Services
- SP14 Biodiversity
- SP15 Green Infrastructure Networks
- SP16 Design
- SP17 Managing Air Quality, Land and Water Resources
- SP19 Generic Development Management Issues
- SP21 Developer Contributions

#### **Material Considerations**

##### National Planning Policy Framework (27<sup>th</sup> March 2012)

4.7 The National Planning Policy Framework was published in March 2012 and replaced all previous national guidance. It sets out the Government's planning policies for England and how these are expected to be applied. The paragraphs from the NPPF relevant to the development proposals are outlined below.

4.8 Paragraph 14 confirms that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan making and decision taking. For decision taking this means approving development proposals that accord with the development plan without delay.

4.9 In respect of taking decisions on planning applications it states that the presumption in favour of sustainable development means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole: or
  - Specific policies in this Framework indicate development should be restricted.

4.10 Paragraph 47 suggests that to boost significantly the supply of housing, local planning authorities should:

*“Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a prospect of achieving the planned supply and to ensure choice and competition in the market for land”.*

4.11 Paragraph 49 of the NPPF advises on the consideration of application for housing development. It states:-

*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*

- 4.12 The subsequent section demonstrates that Ryedale District Council are unable to demonstrate a five-year supply of deliverable housing sites.
- 4.13 In this context, and in accordance with the guidance contained at Paragraph 14 of the NPPF, planning permission should be granted for the development subject of the current application unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 4.14 Paragraph 186 states that, *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible”*.

Evidence Based Background Documents

- Annual Monitoring Reports 2005 – 2012
- North Yorkshire Strategic Housing Market Assessment 2011
- Strategic Housing Availability Assessment Update 2012

5. **KEY PLANNING ISSUES**

5.1 Having regard to the Development Plan and the requirements of the National Planning Policy Framework, it is considered that the key planning issues are:-

- Principle of Development;
- Compliance with NPPF Policies; and
- Are the Proposals Sustainable Development?

**Principle of Development**

5.2 The application site is Greenfield, was last in use as allotments and falls outside the current limits to development for Malton but is surrounded by the approved Broughton Manor development (refs: 10/00999/OUT & 11/01182/REM) currently being progressed by Taylor Wimpey. The settlement limits for Malton are therefore out of date and should be updated through the emerging Local Plan to incorporate the Broughton Manor development and the current application site. The existing allotments have been relocated (this will be dealt with in more detail in a subsequent section) leaving the site as vacant unused land within the newly extended urban area.

Spatial Strategy

5.3 The recently adopted Ryedale Local Plan Strategy (Policy SP1: General Location of Development and Settlement Hierarchy) confirms that Malton is the principal town and primary focus for development in the District. The text supporting the policy confirms that opportunities for growth include:

*Greenfield sites on the edges of the Towns for low/medium density family housing, accommodation to address the needs of a local ageing population and new business space*

5.4 It is therefore expected that the majority of future development, including housing, will take place in Malton as it represents a sustainable location for larger scale development. Policy

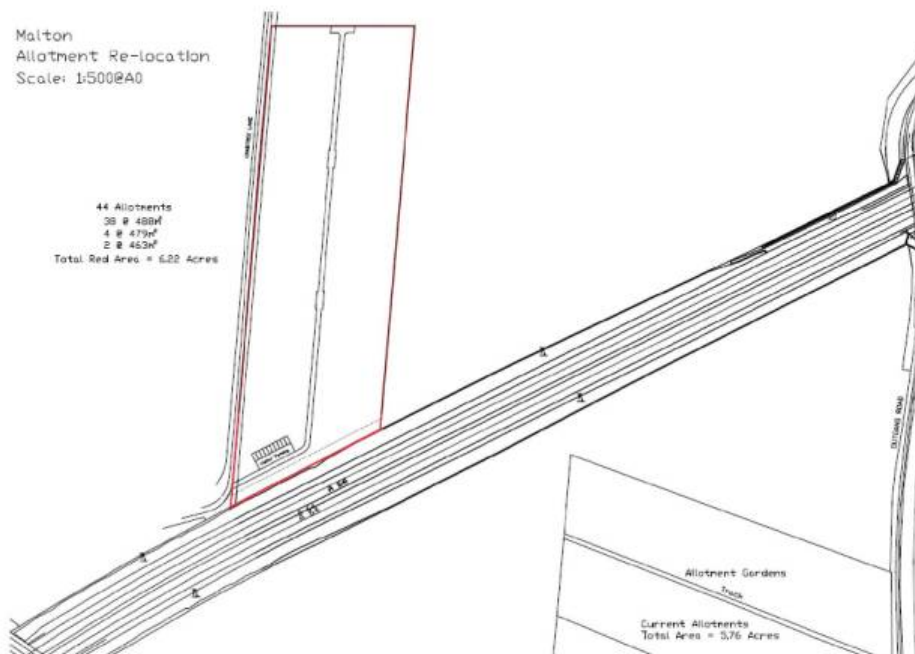
SP1 continues by suggesting that in releasing development sites at the above locations, the use of deliverable and developable brownfield land will be prioritised and development will be guided to areas with lowest flood risk, taking account of the vulnerability of types of development and the need to achieve sustainable development.

- 5.5 Policy SP2 (Delivery and Distribution of new housing) advises that approximately 1500 new dwellings should be provided in Malton and Norton across the plan period and confirms that these should be provided on sites within the current development limits and as part of medium to large extension sites around the towns and within the A64 boundary at Malton.
- 5.6 Opportunities for the development of new housing on previously developed land within Malton/Norton, and indeed Ryedale as a whole, are very limited and for a number of years there has been a shortfall in the level of housing land supply in the District. The application site and the wider Broughton Manor development represent the most appropriate site for residential development in Malton. It has always been envisaged that the application site would come forward for housing development and was only excluded from the Broughton Manor Phase I application as the relocation of the allotments had not taken place. Therefore, the delivery of further housing in this area, on a site which is now effectively within settlement, fully accords with the spatial strategy outlined in the adopted Ryedale Local Plan Strategy.

#### Relocation of Allotments

- 5.7 The application site has most recently been in use as non-statutory allotments and the land is in private ownership. Ryedale Local Plan (2004) Policy L8 (Allotments) has now been superseded by Local Plan Strategy Policy SP11. Policy SP11 (Community Facilities and Services) advises that existing local community, leisure and recreational services including allotments will be protected from loss/ redevelopment unless it can be demonstrated that:
- there is no longer a need for the facility or suitable and accessible alternatives exist, or that it is no longer economically viable to provide the facility, or
  - proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision.

- 5.8 The allotments which have occupied the site have been replaced on a new purpose built site nearby with the majority of allotment holders are already in occupation on the new site.
- 5.9 The plan below shows the located and extent of the replacement allotments:



*Replacement Allotments*

- 5.10 In quantitative terms, the replacement allotments extend to a total site area of 6.22 acres which is larger than the existing site which only extends to 5.76 acres. The new site has been provided with a central track to serve the various allotments together with a small car parking area, both of these features are an improvement on the existing site. Fencing has been placed all around the new allotments together with rabbit proof netting. The access road has been improved and a water supply from the main road to the site has been provided.
- 5.11 The landowner has agreed a compensation package with the Allotment Association in lieu of the provision of sheds to each allotment to enable the holder to decide how best to spend

the money. To ensure that disruption is kept to a minimum, the Notice to Quit (which was served in respect of the old allotments and expired at the end of 2012) allowed the allotment holders to occupy the old site along with the new until the end of 2013. The application site will therefore be fully vacant by the end of 2013.

- 5.12 In view of the above, the development proposals fully accord with the requirements of Local Plan Strategy Policy SP11 (Community Facilities and Services) as replacement facilities have been provided which are of an equivalent or greater benefit to the community and have been delivered with minimum disruption to provision.

Housing Land Supply

- 5.13 Whilst the development proposals fully accord with the Development Plan, the Council are also unable to demonstrate a 5 year supply of housing land as required by NPPF and as a result the application should be considered in the context of paragraph 14 of the NPPF.
- 5.14 The Council have historically been unable to demonstrate that they have a deliverable supply of housing land. The most recent position, as set out below, confirms that the Council are still unable to demonstrate a deliverable 5 year supply even taking into consideration the recent planning approval at Kirbymoorside. These calculations do not include a detailed analysis of the Council's suggested supply and the deliverability of some commitments in the context of the NPPF tests (footnote 11). There are also issues relating to whether all sites will deliver housing at the rate anticipated within the 5 year period as assumed in the Council calculations.

	Local Plan Target (+20% NPPF buffer)
Net Requirement 2013 – 2018	1200
Net Annual Requirement	240
Projected Supply (Sites with PP inc 10% non-implementation)	1158
Supply (Projected Supply/Annual Requirement)	4.82 Years



- 5.15 It is therefore Taylor Wimpey's view that the figures outlined above represent the Council best case scenario.
- 5.16 Moreover, the NPPF places an onus on Local Planning Authorities to '*significantly boost*' and housing target should be seen as a minimum, this is echoed in the Inspectors conclusions on the recent Ryedale Local Plan Examination where he concluded at paragraph 40 of his report:
- "an overall figure of 200 dwellings/year or 3,000 over the plan period would seem to represent the minimum necessary to meet the needs of the existing population and provide for a reasonable level of migration into the district, in line with past trends and the objective assessment of housing need"*
- 5.17 The Council must therefore continue to release suitable sites for development to ensure a rolling deliverable supply of housing land (inc. appropriate buffer) and that the objectively assessed housing needs of the Borough are met.

Conclusions on Principle of Development

- 5.18 By virtue of the planning permission for the wider Broughton Manor development, the existing development limits are out of date. The application site is therefore effectively an infill site within the settlement. The release of this site for 85no. dwellings in a sustainable location within the principal town in the District is wholly in accordance with the adopted spatial strategy outlined in Local Plan Strategy Policy SP1.
- 5.19 The application site has most recently been used as non-statutory allotments which have been relocated to a new site on Crabtree Lane. The development proposals therefore fully accord with the requirements of Policy SP11 (Community Facilities and Services) as replacement allotments have been provided which are of an equivalent or greater benefit to the community and have been delivered with minimum disruption to provision.
- 5.20 Paragraph 14 of the National Planning Policy Framework confirms that at the heart of the NPPF is a presumption in favour of sustainable development and that this should be seen as a golden thread running through both plan making and decision taking. For decision taking

this means approving development proposals that accord with the development plan without delay.

- 5.21 The proposals fully accord with recently adopted Ryedale Plan: Local Plan Strategy and therefore in accordance with the NPPF planning permission should be granted without delay.

**Compliance with NPPF**

- 5.22 The overarching principle running through planning policy at all levels is to ensure that development is sustainable. The NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that development proposals which accord with the development plan should be approved without delay.
- 5.23 The application site is surrounded by the approved Broughton Manor development and, as such, the area is considered a sustainable and suitable location for housing development. Notwithstanding this, the accompanying Design & Access Statement and the Transport Assessment demonstrate the sustainable and accessible location of the site to a range of services and facilities.
- 5.24 The proposals are considered below against the relevant policies from the Development Plan and NPPF to demonstrate that constitute sustainable development.

Accessibility & Promoting Sustainable Transport (Section 4 NPPF)

- 5.25 Paragraph 29 of the NPPF confirms that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives and the transport system needs to be balanced in favour of sustainable transport modes.

5.26 The planning application is supported by a Transport Assessment prepared by Morgan Tucker as required by paragraph 32 of the NPPF. Paragraph 32 continues by stating that plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impact of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

5.27 The site is located within the highly sustainable location that is readily accessible by modes of transport other than the private car and is within walking distance of schools, health care facilities, the town centre, employment opportunities and the transport interchanges of Malton Bus Station and Malton Train Station. This is the most sustainable site for further housing development in Malton.

5.28 Access to the proposed development for vehicles and pedestrians will be taken via the approved Broughton Manor development. There will be no access from Outgang Lane.

5.29 As part of the approved Broughton Manor development (Phase I), a highway improvement scheme was agreed which will create a roundabout junction at Broughton Road/Pasture Lane and link road. This scheme will address the existing congestion issues faced at the Pasture Lane/Broughton Road/Mount Crescent junction. The existing traffic signal junction will be modified to remove the Pasture Lane arm and make it a 3 –arm T- junction. The Pasture Lane arm will then form an arm of the new roundabout junction. The reduction in the number of arms of the junction will reduce the number of phases for the traffic lights at the junction, thus it shortens the queuing length at the junction.

- 5.30 The accompanying Transport Assessment confirms that there is sufficient capacity in the new roundabout junction and the modified signalised T-junction to comfortably accommodate the development proposals.
- 5.31 The highway arrangements amount to a significant benefit to Malton and Ryedale as a whole, a benefit that is very unlikely to come forward in the near future through public funding. The proposed junction works and roundabout are key to the future development of the northern part of Malton.

Delivering a Wide Choice of High Quality Homes (Section 6 NPPF)

- 5.32 Local and national planning policy is clear on the need to deliver a wide choice of high quality homes. The National Planning Policy Framework – the Government’s most up to date planning advice on housing development – places a requirement on Local Planning Authorities to ‘*boost significantly the supply of housing*’ (Paragraph 47) through a number of means including maintaining a 5 year supply of deliverable housing land and meeting the objectively assessed needs for housing.
- 5.33 One of the social dimensions of the sustainable development is to ensure that sufficient land of the right type is available in the right places and at the right time to meet the needs of present and future generations. With a Core Planning Principle (NPPF Paragraph 17) of making every effort to objectively identify then meet the housing needs of an area and respond positively to wider opportunities for growth.
- 5.34 The proposals will make a material contribution to the delivery of market and affordable housing in the short term and will assist the Council in boosting the supply of deliverable housing land and housing delivery across the District to help meet identified needs.
- 5.35 In terms of affordable housing, the development incorporates a total of 26 affordable units which equates to 30.4% of the dwellings proposed. This level of provision is equivalent to that approved on the wider Broughton Manor development and was agreed with Officers during pre-application discussions.

- 5.36 The proposals, coupled with the development of Phase 1, will provide, a total 348 dwellings with the first completions anticipated in Spring 2014 delivering much needed housing in Malton. The granting of planning permission on the application site (phase 2) will allow the wider development to take place in a comprehensive manner.

Requiring Good Design (Section 7 NPPF) & Promoting Healthy Communities (Section 8 NPPF)

- 5.37 Paragraph 56 of the NPPF confirms that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. The guidance goes onto suggest that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Local Plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.
- 5.38 The planning application is accompanied by a Design & Access Statement prepared by PRA Architects and the conclusions on the design approach to the development are summarised below.
- 5.39 The design and siting of the proposed dwellings is reflective of the grain, scale and character of the surrounding residential area, in the interest of visual amenity and creating an appropriate sustainable 'sense of place'. The proposals fully integrate into the surrounding proposed residential development (ref: 11/01182/MREM) and retain the existing hedgerows that contain the application site in the interests of character setting, ecology and biodiversity.
- 5.40 On this basis, the development proposals can be seen to comply with Policy SP16 and SP20 of the Ryedale Plan: Local Plan Strategy and the requirements of the Development Plan and NPPF.

Meeting the Challenge of Climate Change, Flooding and Coastal Change (Section 10 NPPF)

- 5.41 The site is in a location that provides a genuine choice of sustainable modes of transport for day to day sustainable living reducing reliance on the private car leading to reduced greenhouse gas emissions. The site within walking distance of Malton Town Centre and its associated shops and services.
- 5.42 The proposals will provide modern energy efficient buildings in accordance with the requirements of the Development Plan.
- 5.43 The proposals are not in a location at risk of flooding and they will not lead to a risk of flooding elsewhere.

Conserving & Enhancing the Natural Environment (Section 11 NPPF)

*Biodiversity*

- 5.44 The supporting Extended Phase 1 Habitat Survey, concludes that the site is predominantly neglected and overgrown with scrub, ephemeral/short perennial vegetation and is surrounded by intact species-poor hedgerow. Notwithstanding this, the survey concludes that the site does potentially provide suitable habitats for nesting birds and sheltering or foraging hedgehogs. The Extended Habitat Survey makes a number of recommendations relating to site clearance which will be taken account of during construction.
- 5.45 Save for the provision of vehicle and pedestrian access points the hedging around the application retained with appropriate additional landscape planting carried out within the site to assist increasing the biodiversity value of the site.

*Pollution & Amenity Impact*

- 5.46 As demonstrated within the application documentation, the proposals will not result in unacceptable levels of soil, air, water, or noise pollution. The proposals, given ground conditions and the topography of the site will not create ground instability issues on the future occupants of the development, existing residents of surrounding properties.

*Landscape & Visual Impact*

- 5.47 The provision of 2 & 3 storey dwellings given the topography of the site and its surroundings, and given the on-going consented development at Broughton Manor Phase 1, will not significantly adversely affect the local or wider landscape character.

**Are the Proposals Sustainable Development?**

- 5.48 The proposals represent sustainable development as envisaged in the NPPF.
- 5.49 The proposals perform the 3 roles of sustainable development and their approval will result in a number of material benefits as follows:-


**Social Role** (Creating Strong, Vibrant & Healthy Communities)

- The proposals will boost the supply of market and affordable housing within Borough to meet the needs of the present and future generations;
- Create a high quality built environment;
- Provide housing in a location which is accessible to local services to provide for the community's needs and promote health, social and cultural wellbeing.

**Economic Role** (Contributing to building a strong and responsive and competitive economy)

- The job creation and safeguarding associated with the development is a benefit. Every £1 million of new house building output supports 12 net jobs (seven direct and five indirect) for a year;
- Enhancing the vitality and viability of Malton Town Centre and local services and facilities through increased local spending;
- Increase Council Tax Receipts;
- New Homes Bonus Receipts.

**Environmental Role** (Contributing to protecting and enhancing our natural, built and historic environment)

- 
- Providing much needed development in a location and manner that results in minimal impact upon the natural, built and historic environment through:-
    - High Quality Landscaping Planting
    - Prudent and minimal use of natural resources
    - Minimal waste generation and pollution

5.50 The proposals amount to sustainable development. In accordance with the presumption in favour of sustainable development and the advice in the NPPF on 'decision taking' (Para 14) planning permission should be granted at the very earliest opportunity.





**6. CONCLUSIONS**

- 6.1 The releasing of the site for housing development is fully in accordance with the recently adopted Development Plan and fully endorsed by the presumption in favour of sustainable development as set out in the NPPF and the material social-economic benefits that will flow from the granting of planning permission.
- 6.2 The application site is within the principal town in the District where the majority of housing development is directed, within the area of the principal town identified for development and, as such, fully accords with the adopted spatial strategy. Moreover, the application site is surrounded by the approved Broughton Manor scheme and once fully vacated will effectively be vacant land within the settlement. Replacement allotments have been provided which are of an equivalent or greater benefit to the community and have been delivered with minimum disruption to provision. The granting of planning permission for 85 dwellings on the application site will allow the wider Broughton Manor development to come forward in a coordinated and comprehensive manner.
- 6.3 We respectfully urge that planning permission is granted for this detailed planning application at the very earliest opportunity.